

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ZAPFRAUD, INC.)	
)	
Plaintiff,)	C.A. No. 19-1691 (CFC)
)	
v.)	
)	
PROOFPOINT, INC.,)	
)	
Defendant.)	

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF
DEFENDANT PROOFPOINT, INC.’S MOTION TO TRANSFER VENUE**

I, Michael R. Rueckheim, declare as follows:

1. I am a partner at the law firm Winston & Strawn LLP and counsel for defendant Proofpoint, Inc. (“Proofpoint”) in the above-captioned matter. The statements made in this declaration are based on information obtained from documents, my own personal knowledge, and/or other information in my possession, custody, or control, which I believe to be true and correct. If called as a witness, I could and would competently testify to the matters set forth herein.

2. Counsel for Mimecast North America, Inc. (“Mimecast”) indicated to me that Mimecast would not oppose the Court granting FireEye, Inc.’s, Barracuda Network Inc.’s, or Proofpoint, Inc.’s motions to transfer.

3. When entered into Google Maps on February 3, 2020, Google Maps calculated the driving distance from 118 Ramona Rd., Portola Valley, California to Proofpoint’s headquarters at 892 Ross Drive, Sunnyvale, California as 16.6 miles. When entered into Google Maps on February 3, 2020, Google Maps calculated the driving distance from Proofpoint’s headquarters to the Federal Courthouse at 280 S. 1st. Street, San Jose, California as 10.8 miles.

4. Based on my review of publicly-available information, ZapFraud does not appear to have any business facilities or employees in Delaware.

5. Attached hereto as Exhibit 1 is a true and correct copy of the Application Data Sheet (ADS) from the USPTO's website from the public file history of U.S. Patent No. 10,277,628. The ADS lists Bjorn Markus Jakobsson's address as 118 Wyndham Dr. in Portola Valley, California. The ADS bears the signature "/Robyn Wagner/".

6. Attached hereto as Exhibit 2 is a true and correct copy of a printout of the LinkedIn profile for Dr. Bjorn Markus Jakobsson, taken on January 25, 2020.

7. Attached hereto as Exhibit 3 is a true and correct copy of the California State Bar's website profile for Robyn Wagner as accessed on January 25, 2020. The profile indicates that Robyn Wagner works for a law firm in Cupertino, California.

8. Attached hereto as Exhibit 4 is a true and correct copy of an Information Disclosure Statement (IDS) from the USPTO's website from the public file history of U.S. Patent No. 10,277,628 bearing the signature "/Yeu-Ting George Cheng/" and listing the law firm VAN PELT, YI & JAMES LLP of Cupertino, California.

9. Based on my review of the public file history of U.S. Patent No. 10,277,628, Robyn Wagner and/or Yue-Ting George Cheng were among the ZapFraud attorneys who filed amendments, arguments, and examiner interviews to advance prosecution of ZapFraud's asserted patent.

10. Based on my search of public databases, Dr. Jakobsson is named on other patent applications, e.g., U.S. Patent No. 9,396,317 and U.S Patent Publication No. 20190199745, relating to electronic data comparisons and calculating a score with respect to fraud protection,

that were filed around the time the asserted ZapFraud patent was prosecuted and assigned to companies: Paypal, Inc. and Agari Data, Inc.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed February 5, 2020

/s/ Michael Rueckheim
Michael Rueckheim